

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JACOB W. WHITLEY II,

Plaintiff,

CASE NO. C15-1973-RSL-MAT

V.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

**Defendant.**

## REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 25.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for a *de novo* hearing and further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge (ALJ) shall reevaluate plaintiff's testimony and the treating and examining physicians' opinions regarding handling limitations, particularly a March 2004 daily activities questionnaire, and the medical opinions of Monica Carillo, M.D., and John Shaw, M.D.; reassess plaintiff's residual functional

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1 capacity, as needed; obtain additional testimony, including the testimony of a vocational expert,  
2 as needed; and issue a new decision. The Commissioner previously found plaintiff disabled as of  
3 November 1, 2005 and affirmed that finding, and the finding is not to be disturbed. Therefore,  
4 the issue upon remand is limited to whether plaintiff was disabled and eligible for benefits during  
5 the period from May 20, 2003 to October 31, 2005. Upon proper presentation, this Court will  
6 consider plaintiff's application for attorney fees, costs, and expenses.

7 The Court recommends that United States District Judge Robert S. Lasnik immediately  
8 approve this Report and Recommendation and order the case REVERSED and REMANDED for  
9 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A proposed  
10 order accompanies this Report and Recommendation.

11 DATED this 13th day of October, 2016.

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14 Mary Alice Theiler  
United States Magistrate Judge

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